

City of John Day
(Greenhouse Structure and Related Equipment)

REQUEST FOR COMPETITIVE SEALED PROPOSALS

PROPOSALS DUE:

Friday, July 6, 2018

12:00 p.m.

at

John Day City Hall

450 E. Main Street, John Day, Oregon 97845

or

greenn@grantcounty-or.gov

City of John Day

Notice of Request for Competitive Sealed Proposals – Greenhouse Structure and Related Equipment

City of John Day (“City”) desires to purchase building materials and related equipment necessary for an approximately 5,000 to 6,000 square foot greenhouse to be located at 60835 Hwy 26, John Day, Oregon 97845. City is soliciting competitive sealed proposals from vendors to supply City with a greenhouse structure, all related hydroponic farming systems, and all necessary assembly/installation plans.

This notice was first published June 6, 2018. Sealed proposals must be received by Nick Green, City Manager, at the John Day City Hall, 450 East Main Street, John Day, Oregon 97845, or by email at green@grantcounty-or.gov, no later than **12:00 p.m., Pacific Time, on Friday, July 6, 2018** (the “Closing”).

Proposal documents, addenda, and notifications of proposal results for this project may be viewed and/or acquired during regular business hours at John Day City Hall, 450 East Main Street, John Day, Oregon from Wednesday, June 6, 2018 through Closing. Proposal documents, addenda, and notifications may also be viewed, printed, and/or downloaded at City’s website <http://www.cityofjohnday.com/>. Questions regarding the project, or requests for clarification or changes to the project, or protests, must be in writing and directed to: Nick Green, City Manager, City of John Day, 450 East Main Street, John Day, Oregon 97845.

City of John Day
Request for Competitive Sealed Proposals – Greenhouse Structure and Related Equipment

This Request for Competitive Sealed Proposals (this “RFP”) consists of the following sections:

- A. Background; Project Overview.
- B. Conditions of Work.
- C. Project Description; Scope of Work.
- D. Proposal Documents.
- E. Instructions to Proposers.
- F. Proposal Submission Requirements.
- G. Proposal Evaluation.
- H. Requests for Change; Protests; Addenda.
- I. Anticipated Schedule.

A. Background; Project Overview.

1. Background.

The City of John Day (“City”) is a historic timber community located in the mountains of eastern Oregon. City’s population grew rapidly in the 1940s and 1950s, doubling in size in the postwar years. City grew again from the 1970s to the 1990s as timber boomed and global demand for raw materials intensified, but increased regulation and conflicting priorities for land use ultimately led to three decades of population decline that continues today.

To address the need for new commercial and industrial growth, on May 9, 2017, City announced its intention to create an 80-acre innovation center in the heart of John Day. A former mill property known as Oregon Pine will be reclaimed and revitalized. In the future, it will become the John Day Rural Innovation Gateway, a location that integrates community, technology, education and commerce with a focus on rural innovation and rural value creation.

The complex is bisected by the John Day River, the third longest free-flowing river in the contiguous United States, and is surrounded by over two million acres of national forest and public lands in Grant County, ideal for hunting, fishing, outdoor recreation and business retreats.

The Innovation Gateway will house City's new wastewater treatment plant, a proposed water reclamation facility that will reclaim up to 80 million gallons of nutrient-rich effluent annually. Reclaimed water will be used to create botanical gardens and greenways along the John Day River, and for hydroponic cash crops grown in commercial-scale greenhouses.

City is currently accepting competitive sealed proposals (each a “Proposal” collectively the “Proposals”) to purchase building materials, supplies, systems, and related equipment necessary for the first multipurpose greenhouse with hydroponic farming systems (the “Project”). The Project will generate roughly 1,200 pounds of fresh produce per week with multiple crop types (leafy greens, fruits and herbs), resulting in just over thirty-one tons of produce per year to be purchased by local grocers. The Project will also function as an academic research facility for secondary and post-secondary students and various community supported agriculture initiatives.

The Project will be owned and operated by City as a division of City's Public Works Department. Assets from the City Sewer Fund (reclaimed water) will become inputs to the greenhouse, and revenue (sales) from the greenhouse will accrue to the Sewer Fund to offset its operating expenditures and ultimately the cost of wastewater treatment – all while delivering fresh, locally grown produce for City residents and academic research opportunities for City students.

2. The greenhouse will be located at 60835 Hwy 26, John Day, Oregon 97845 (13S31E22D Willamette Meridian, Tax lot 300) (see Figure 1). The greenhouse will be sited on the southeast quadrant of the property within a 2.17-acre area as shown in Figure 2 (below). City is providing an initial layout for reference, but each Proposal may include a conceptual design that meets City's unique project requirements and production needs, and is also energy efficient.

Figure 1:

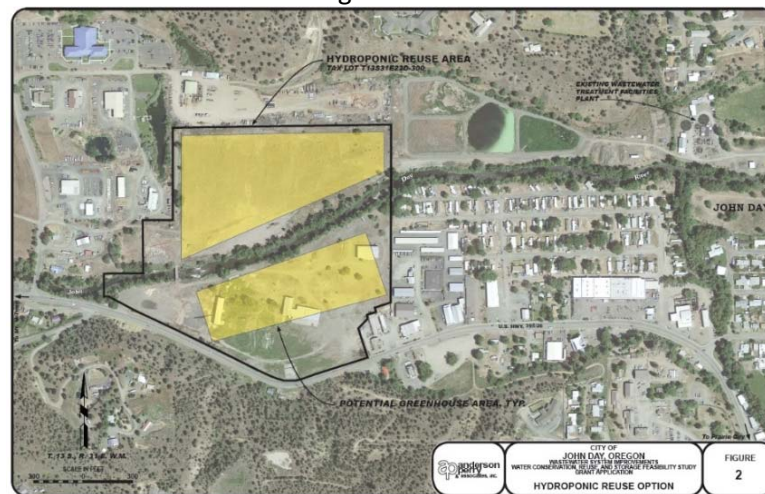


Figure 2:

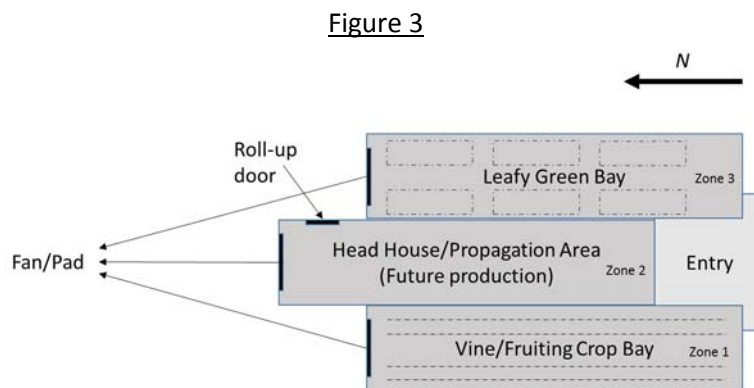


3. After the award of a contract, the successful vendor (the “Vendor”) and City will establish a product delivery schedule. It is anticipated that City will execute the contract in July 2018 (the “Contract”). Site preparation for and construction/installation of the greenhouse will be performed by City (and/or City’s contractors) and is estimated to commence in July/August 2018 and be completed by October 2018.

B. Conditions. Each vendor responding to this RFP (each a “Proposer”, collectively the “Proposers”) must make him/herself thoroughly familiar with all the Contract documents. Failure to do so will not relieve the successful Proposer of his/her obligation to enter into a contract and supply and deliver the Greenhouse (as defined below) in strict accordance with the Contract documents. By submitting a Proposal, the Proposer represents and warrants that the Proposer has had the opportunity to compare the site with the Proposal Documents (as defined below).

C. Specifications. The structure, equipment, materials, systems, and goods City desires to purchase include, without limitation, all greenhouse structural materials, glazing, farming systems, and associated growing systems, including, without limitation, hydroponic grow systems, grow lights, mechanical systems, HVAC, and fertigation and peripheral equipment as more particularly described below (collectively, the “Greenhouse”). In addition, City will require the vendor provide appropriate plans and specifications necessary to install the Greenhouse. The description of the Greenhouse outlined below is provided as a general guide and is not intended to be a comprehensive list of all items necessary for the Greenhouse. Proposers may suggest modified specifications as a part of their Proposal.

1. Greenhouse Structure. The structure will include three different zones (see example depiction in Figure 3). Zone 1 will be designated for growing vine and fruiting crops. Zone 2 will be used as a headhouse (i.e., cold storage, packaging), propagation/germination area, and research area. Zone 2 may be used for crop production in the future. Therefore, Zone 2 must meet the same standards as the other zones. Zone 3 will be designated for leafy greens and herbs grown in shallow growing ponds. Both Zone 1 and Zone 3 will have doors only into Zone 2 in order to minimize contamination between Zones 1 and 3.



Note: Figure 3 is intended for illustrative purposes only. City expects that each Proposer will submit design concepts to meet the broad range of potential uses while having an attractive appearance so as to encourage residents and visitors to visit the site and learn more.

2. Specifications. Each Proposal should address and comply with following specifications for the Greenhouse.

a. Greenhouse Structure. The greenhouse structure will need to meet local building code which include, without limitation, the following: (a) ground snow load- 25 psf; (b) basic wind load- 110 mph Exposure "B"; and (c) building code- IBC 2015 / ASCE 7-98. Production needs include, without limitation, at least 750 fruiting and vine crop plant spaces and at least three ponds consisting of at least 1,000 square feet of shallow water ponds for leafy greens and herbs.

b. Greenhouse Glazing. For the roof covering, City anticipates 8mm twin wall polycarbonate. If a Proposer has other recommendations, such as corrugated polycarbonate or 4mm tempered glass, please provide optional pricing and reasoning for the alternative. For the side wall and end wall covering City anticipates using 8mm twin wall polycarbonate. Should a Proposer recommend a different material, please provide optional pricing and reasoning in the Proposal. For the partition walls between the bays City anticipates 8mm polycarbonate or better. Two large windows will be installed on the south end of the growing bays, in the entry area, to act as an external viewing area and capitalize on agritourism.

c. Doors. City anticipates that exterior doors will include the following: (1) one 96"x96" manual roll up door; (2) one 72"x84" French door; and (3) one 36"x84" man door for the head house. City anticipates that the French door will be installed on the south wall of the head house and the roll up door and man door will be located on the north end. Interior doors will include two 36"x84" man doors which will go in the head house for access into the growing areas. Notwithstanding the foregoing, City expects that the Proposer's unique design proposal, including, without limitation, door specifications, will accommodate functional ingress and egress.

d. Horizontal Airflow Fans. Per vendor specification.

e. Vertical Airflow Fans. Per vendor specification

f. Insect Netting. Per vendor specification

g. Evaporative Cooling System. Evaporative fan and pad cooling system.

h. Hydronic Radiant Heat System. For heating City desires to use an overhead/perimeter heating system in conjunction with in-slab radiant floor heating with on demand hot water heaters, rather than a boiler. The hot water heaters will need to be fueled by liquid propane.

i. Propane Estimates. Vendors will contact local propane company, Ed Staub & Sons, in order to estimate propane usage and supply an appropriately-sized tank.

j. Electricity Estimates. Identify in each Proposal the electricity consumption estimates for all equipment. Single phase primary will be on site.

k. Shade System and Energy Retention System. Per vendor specification.

l. Ventilation System. Automated exhaust fans with shutters and variable speed motors.

- m. CO2 Enrichment System. Either automated system or CO2 burners.
- n. Grow Systems. For the fruiting/vine crops zone, City anticipates using a bato-bucket/cultivation gutter type system with the ability to grow up to 750 plants. The leafy greens/herbs zone should have a minimum of 1,000 square feet of shallow water ponds. City anticipates using multiple ponds in order to grow different varieties of each crop. Ponds should allow for walk ways throughout the greenhouse. Proposers must specify necessary components for an active shallow-water growing system and whether air bubblers, water chillers, and circulation pumps are necessary.
- o. Production Estimates. Provide yield estimates for the grow systems. In the first year, City anticipates growing tomatoes, cucumbers, and peppers in one bay; lettuce and fresh herbs will be grown in the other.
- p. Foundation. City anticipates a perimeter foundation around the entire greenhouse. There should be at least one walkway in each growing zone and a full slab in the headhouse. City and/or City's contractors will perform all site preparation work, including, without limitation, installing the foundation. Foundation and walkway designs will be included in the design of the greenhouse and addressed in each Proposal.
- q. Propagation and Germination. Ebb and flow benches will be used for propagation and germination. Provide optional pricing for other options, such as a germination chamber.
- r. Fertigation System. Automated Fertigation system.
- s. Day Storage Tank. Per vendor recommendation. Address whether water storage capability is needed.
- t. Plumbing. City water will be on site. Plumbing for the fertigation, growing and heating systems will be engineered and installed by City and/or City's contractors. There will need to be at least one hose valve in each growing bay and headhouse. The headhouse will also need a commercial grade sink for sanitation and harvest; sink size will need to be sufficient for greenhouse sanitation and production yields.
- u. Environmental Controls. Computer based software integrated monitoring and controls for the heating and cooling, HAF/VAF, weather station, grow lights, and irrigation system. The software should allow remote monitoring and controlling of temperature, humidity, CO2, PH, EC, and water temperature. Possible integration of cameras for remote viewing and crop monitoring is being considered.
- v. Technical Assistance. Per vendor specification.
- w. Warranty. In addition to any warranties required in the contract, City requires at least one year of warranty on the greenhouse structure provided by the vendor and manufactures warranty on equipment and supplies from other companies.

3. Additional Considerations.

a. Walk-In Refrigerator. Depending on vendor size recommendation, a commercial cooler or walk-in refrigerator may be placed in the headhouse, the Public Works Shop, or outside the greenhouse. Proposers may include a range (by quality and pricing) of options for a commercial cooler or walk-in refrigerator. Proposers must include refrigerator options as a separate item as City will not include the price of refrigerators as a part of the price evaluation criteria.

b. Grow Lights. City anticipates using grow lights in the leafy greens and herbs zone although we believe we could also install them in the fruiting and vine crop zone. Provide option pricing for both zones. Proposers may include a range (by quality and pricing) of options for grow lights. Proposers must include grow-light options as a separate item(s) as City will not include the price of grow lights as a part of the pricing evaluation criterion.

c. Entryway. (Optional). Proposal may address, in the design concept, a design for the entryway frontage and an access and/or entryway path. City will create an access and/or entryway path in the future and will provide the labor and materials to construct the entryway and frontage. This option does not require pricing and will not be scored in the proposal evaluation.

4. Delivery. All deliveries will be F.O.B destination with all transportation and handling costs, expenses, and/or charges paid by Vendor, unless specified otherwise in the solicitation documents. Responsibility and liability for loss or damage will remain with Vendor until final inspection and acceptance when responsibility will pass to City except as to latent defects, fraud and Vendor's warranty obligations. City anticipates that the Greenhouse will be delivered to City no later than September 30, 2018.

D. Proposal Documents. The proposal documents include the Notice of Request for Competitive Sealed Proposals, this RFP, the Proposal form, Contract, and any addenda issued prior to the Closing (collectively, the "Proposal Documents"). All requirements and obligations of the Proposal Documents are hereby incorporated by reference into the Contract and are binding on the successful Proposer upon award of the Contract. Each Proposer assumes full responsibility for errors, omissions, and/or misinterpretations resulting from the use of incomplete sets of Proposal Documents. The Proposal Documents are provided to Proposers only for the purpose of obtaining Proposals for the Greenhouse and do not confer a license or grant for any other use.

E. Instructions to Proposers.

1. No Pre-Proposal Conference. City will not hold a pre-Proposal conference. Proposers with non-technical inquiries may contact Nick Green at (541) 575-0028 or by email at green@grantcounty-or.gov, Aaron Lieuallen at (541) 575-0028 or by email at lieuallen@grantcounty-or.gov, and/or Matthew Manitsas at (541) 575-0028 or by email at manitsasm@grantcounty-or.gov.

2. Additional Requirements. This RFP does not obligate City to award a contract and/or to procure the Greenhouse (or any portion thereof). Proposers responding to this RFP do so at their own expense and City is not responsible for any costs and/or expenses associated with the preparation and/or submission of any Proposal. Failure of City to insist on strict performance will not constitute a waiver of any of the provisions of this RFP or the resulting Contract, or of any other default of the

Proposer. The Vendor will meet the highest standards prevalent in the industry or business most closely involved in providing greenhouse structures and related equipment.

3. Confidential Information.

a. Any Proposal submitted may be subject to public information requests as permitted by Oregon Public Records Law. City will attempt to maintain the confidentiality of materials marked "Confidential" to the extent required under Oregon Public Records Law. If it is necessary to submit trade secrets and/or other confidential information in order to comply with the terms and conditions of this RFP, each Proposer must label any information that it desires to protect from disclosure to third parties as a trade secret under ORS 192.345(2) and/or confidential under ORS 192.355(4) with the following: "This material constitutes a trade secret under ORS 192.345(2) [and/or confidential information under ORS 192.355(4)] and is not to be disclosed except as required by law." Each page containing the trade secret and/or other confidential information must be so marked.

b. City will take reasonable measures to hold in confidence all such labeled information, but in no event will City be liable for release of any information when required by law or court order to do so, whether pursuant to the Oregon Public Records Law or otherwise, and will also be immune from liability for disclosure or release of information as provided under ORS 646.473(3).

c. In submitting a Proposal, each Proposer agrees that City may (a) reveal any trade secret and/or other confidential materials contained in the Proposal to City staff and to any City consultant, and (b) post the Proposal on City's intranet or internal network for purposes related to its evaluation and ranking. By responding to this RFP, each Proposer agrees to defend, indemnify, and hold harmless City each City officer, employee, representative, and agent from all costs, damages, and expenses incurred in connection with refusing to disclose any material that the Proposer has designated as a trade secret and/or as confidential information. Any Proposer that designates its entire Proposal as a trade secret may be disqualified.

4. Public Contracting Provisions. The Vendor must comply with the Oregon Public Contracting Code (ORS Chapters 279A, 279B and 279C), including, without limitation, ORS 279A.110, and City's public contracting rules, as all are amended from time to time, in the performance of the contract.

5. Insurance. The Vendor will obtain prior to performing under the Contract, and maintain during the term of the Contract (including all warranty periods), insurance policies that provide adequate coverage for all risks normally insured against by a person carrying on a similar business in a similar location, and for any other risks to which Vendor is normally exposed, including, without limitation, products liability insurance.

F. Proposal Submission Requirements.

1. Deadline; Manner of Submission. Proposals must be submitted to Nick Green, City Manager no later than **12:00 p.m., Pacific Time, on Friday, July 6, 2018** (the "Closing"). Proposals will be opened at 2:00 p.m., Pacific Time, on Friday July 6, 2018. No Proposal will be received after the Closing. Proposers are solely responsible for ensuring that City receives their Proposal at the required delivery location or address prior to Closing. Misdelayed, late, and/or faxed submittals will be considered nonresponsive. Proposals may be submitted by hardcopy or email in accordance with the requirements below.

a. Hardcopy. Each Proposal must be submitted in a sealed envelope and marked: City of John Day Greenhouse Structure and Related Equipment. One original Proposal and five copies of the Proposal must be received by Nick Green, City Manager, at the John Day City Hall, 450 East Main Street, John Day, Oregon 97845.

b. Electronic. Each electronic Proposal must be submitted to Nick Green, City Manager, at green@grantcounty-or.gov and must clearly reference in the email subject or referral line, "Electronic Proposal – City of John Day Greenhouse Structure and Related Equipment." Proposals must be in .PDF file format. Files in excess of 13 megabytes must be submitted incrementally. City will not be responsible for (a) transmission errors of any kind involved with electronic submission or difficulty in download, (b) notifying Proposers of receipt of any Proposal or complete or incomplete receipt of a Proposal, or (c) premature disclosure due to submission in an unsealed form.

2. Modifications or Withdrawal of Proposal. Proposals may be withdrawn prior to the scheduled time for the opening only as allowed by OAR 137-047-0440. No Proposal may be withdrawn after the time scheduled for the opening of Proposals. Proposals may be modified only as allowed by OAR 137-047-0440.

3. Receipt, Opening, and Recording of Proposals. City will electronically or mechanically time-stamp or hand-mark each Proposal and any modification upon receipt. City's official Proposal time clock is located in City Hall. In the event a Proposal is too large to be time stamped a separate piece of paper will be time stamped and attached to the Proposal or the envelope will be marked by hand with the date and time received. City will not be responsible for the premature opening or failure to open a Proposal that is not properly addressed and/or identified. Proposals will be opened and recorded; City will open electronic Proposals in accordance with electronic security measures in effect at City at the time of the opening. The number of Proposals received and/or the contents of any Proposal will not be disclosed to the public until all Proposals have been evaluated, negotiations completed if required, and a recommendation for award has been published.

4. Proposal Format. Please submit written Proposals in compliance with the page limitation identified below (one page is considered to measure 8-1/2 x 11, with 11-point font size minimum) and labeled and organized in accordance with the following sections:

Contents

Introductory Letter and Required Contents
Professional Qualifications of Firm
Conceptual Plans
Understanding of Requested Specifications
References
Contract Price

Each Proposal must not exceed thirty (30) pages, excluding the signed Proposal form and any tabs or indexes.

5. Required Contents. Proposers must respond to each of the evaluation criterion in a clear and concise manner. Proposers should pay attention to specific requests for information. Each Proposer is solely responsible for accuracy and completeness of its Proposal. Proposals are to be limited

to the number of pages indicated in the “Proposal Format” section above, but must include the content listed below. Concise Proposals without needless duplication are encouraged. The following minimum requirements as to the form and manner of submitting Proposals must be strictly observed; variance from these minimum required qualifications may result in rejection of the Proposal as unresponsive.

a. General. Each Proposer must sign its Proposal (on City’s proposal form). For electronic Proposals, electronic signatures and/or copies of electronically scanned signatures will be treated as original signatures. Proposals made by corporations or partnerships must contain names and addresses of the principal officers or partners. If a corporation makes the Proposal, it must be signed by one of the corporation’s principal officers. If made by a partnership or limited liability company, it must be signed by one of the partners or members, clearly indicating that he/she is signing as a partner or member of the firm. In the case of a Proposal made by a joint venture, each of the joint venturers must sign the Proposal in his/her individual capacity. Each blank in the Proposal must be completed. Each Proposal must be submitted in a separate sealed envelope or email attachment (as the case may be), marked as specified in this RFP so as to indicate its contents and allow identification of the Proposer without opening, and delivered to Nick Green, City Manager, City of John Day, on or before the Closing. A Proposal will contain no modifications, deletions, exceptions, reservations or conditions, which in any way conflict with or purport to alter any provision contained in the Proposal Documents. Any such Proposals may be rejected pursuant to OAR 137-047-0640 and/or ORS 279B.100.

b. Introductory Letter. Include an introductory letter expressing interest in supplying the Greenhouse. Include full name of firm, RFP contact person, email address, mailing address, and telephone number. The letter must be signed by a person authorized to bind the firm.

c. Warranty. Each Proposer must submit written documentation evidencing the Proposer’s compliance with the warranty requirement(s) identified in this RFP and the contract.

6. Proposal Content. The Proposal form must be completed and submitted with the Proposal. In addition, Proposers must provide a reply to each of the items listed below. All proposals that meet the minimum required qualifications will be evaluated on the following criteria and must be in the same order as presented below:

a. Professional Qualifications of Firm (10 points Possible). Provide a firm overview and qualifications for providing the Greenhouse. Provide professional qualifications and experience for all personnel identified.

b. Conceptual Plans (40 Points Possible). Each Proposer’s conceptual plans and specifications for the Greenhouse (the “Conceptual Plans”) must include, without limitation, site plans and floor plans. The Conceptual Plans should clearly demonstrate RFP compliance relevant to functional requirements, and Greenhouse technical understanding including, without limitation, the specifications identified in Section C(2). The Conceptual Plans will also be scored on the Proposer’s innovation and aesthetic approach to the Greenhouse.

c. Understanding of Requested Specifications (20 Points Possible). Each Proposal should demonstrate a clear understanding of the Project requirements based on the information provided in this RFP. Each Proposal must reflect the Proposer’s ability to perform the resulting Contract in accordance with all Contract requirements.

d. References (10 Points Possible). Each Proposal must list references from three (3) projects of a similar size and scope that the Proposer designed, delivered, supplied, and/or installed. Clearly identify references with valid contact information.

e. Contract Price (40 Points Possible). Include a contract price for the Greenhouse, including, without limitation, prices for all greenhouse structural materials, growing systems, and specifications identified in Section C and delivery of the Greenhouse . Where this RFP requests and/or requires alternate pricing, please indicate and clearly delineate the alternate pricing.

G. Proposal Evaluation.

1. Evaluation Committee. City will establish a committee of at least five individuals to review, score, and rank Proposals according to the evaluation criteria set forth in this RFP. City may appoint to the evaluation committee consultants, City employees, and/or employees of other public agencies with experience in public contracting. At least one member of the evaluation committee must be a City employee. City will designate one of its employees, who is also a member of the evaluation committee, as the evaluation committee chairperson. The evaluation committee will provide the city council the results of the scoring and ranking for each Proposer.

2. Evaluation Criteria. City will score each Proposal by reviewing and evaluating the Proposal content requirements outlined above. The following table indicates how the total points in the scoring will be assigned by required Proposal item. Failure to meet minimum requirements for any individual item may disqualify the Proposal regardless of the total points scored for the other items. Each item will be evaluated as follows:

<u>Requirement</u>	<u>Maximum Points</u>
Professional Qualifications of Firm	10
Conceptual Plans	40
Understanding of Requested Specifications	20
References	10
Contract Price	40
Total	120 maximum points

Pricing will be compared among all responsive Proposals submitted. The lowest overall priced Proposal (by total contract price excluding optional items under Section C(3)) will receive the full points available. All other Proposal pricing scores will be weighted against the lowest price Proposal (lowest price scores the highest).

3. Evaluation. The evaluation committee will conduct references and may seek outside expertise, including, without limitation, input from technical advisors, to assist in evaluating Proposals. The committee will score and rank the Proposals based on the information submitted according to the evaluation criteria and point factors. The committee will choose to recommend the preferred vendor based solely on the written Proposal evaluation. Based upon Proposal scoring, and the results of reference checks, the firms will be given final ranking by the evaluation committee.

4. Selection; Negotiation.

a. City will award the contract to the responsible Proposer whose Proposal City determines in writing is most advantageous to City based on the evaluation process and factors described in this RFP, applicable preferences described in ORS 279A.120 and 279A.125, the outcome of any negotiations (if applicable), and whose Proposal will best serve the interests of City and is in compliance with applicable law. A responsible Proposer means a Proposer who has the capability, in all respects, to fully perform the Contract requirements, and the integrity and reliability which will ensure good-faith performance. Responsibility will be determined in accordance with the standards set forth in ORS 279B.110 and OAR 137-047-0500.

b. If City does not cancel the RFP after it receives the results of the scoring and ranking of each Proposal, City will begin negotiating with the highest-ranked Proposer. Negotiations with the highest-ranked Proposer will be directed toward obtaining written agreement on (a) the Proposer's performance obligations and a performance schedule, (b) the contract price that is fair and reasonable to City, as determined by City, and (c) any other provisions City believes to be in City's best interest to negotiate. City reserves the right to negotiate and execute a final contract that is in the best interest of City.

c. If negotiations with the highest-ranked Proposer fail to result in a contract, City reserves the right to formally terminate negotiations and enter into negotiations with the second-ranked Proposer and, if necessary, the third-ranked Proposer and so on, until the negotiations result in a contract. City reserves the right to engage in competitive simultaneous negotiations with Proposers.

5. Notice of Intent to Award. City will provide a written Notice of Intent to Award ("NOI") to all Proposers at least seven (7) calendar days before the award of a Contract, unless City determines that circumstances require prompt execution of the Contract. City's award will not be final until the latter of the following: (a) seven (7) calendar days after the date of the NOI; or (b) until City provides written response to all timely filed protests denying the protest(s) and affirming the award.

H. Requests for Change; Protests; Addenda.

1. Request for Clarification/Change; Solicitation Protests; Award Protest.

a. Solicitation Protest; Request for Change. Proposers may submit to City questions and/or requests for clarification and/or additional information, including, without limitation, inquiries related to the RFP, questions regarding the specifications, and/or questions concerning technical aspects of the Work and/or Proposal Documents. A Proposer may request in writing a change to the RFP and/or Contract terms and conditions on or before seven (7) days prior to the Closing. A Proposer may protest the procurement process or this RFP by delivering a written protest on those matters to City on or before seven (7) days prior to the Closing. All protests must be in writing, and must comply with OAR 137-047-0730. All questions, requests, and/or protests must be submitted, in writing, either by mail to Nick Green, City Manager, City of John Day, 450 East Main Street, John Day, Oregon 97845 or email to green@grantcounty-or.gov and must clearly reference, "City of John Day Request for Proposals – Greenhouse Structure and Related Equipment."

b. Right to Protest Award. A Proposer may submit to City a written protest of City's intent to award within seven (7) days after City's issuance of the NOI. A Proposer may submit a

protest of the award only as allowed by, and only in compliance with, OAR 137-047-0740. All award protests must be submitted in writing either by mail to Nick Green, City Manager, City of John Day, 450 East Main Street, John Day, Oregon 97845 or email to green@grantcounty-or.gov. All protests must clearly reference, "City of John Day Request for Proposals – Greenhouse Structure and Related Equipment."

2. Addenda. Changes to the Proposal Documents, whether in response to requests for clarification or change or a solicitation protest, or to issue supplemental instructions, may only be made by written addenda. City will not mail notice of any addenda to the Proposers, but will publish notice of any addenda on City's website and each Proposer is responsible for frequently checking said website until Closing. No addenda, with the exception of addenda withdrawing this RFP or extending the Proposal period, will be issued less than 72 hours prior to the Closing (except as justified by a countervailing public interest). All addenda so issued will become part of the Proposal Documents. No other oral or written statements to Proposers will be binding on City unless reduced to written addendum. Each vendor submitting a Proposal is responsible for all addenda/changes to the documents and will be considered non-responsive if the proposal does not reflect those addenda/changes.

3. RFP Cancellation. Notwithstanding anything contained in this RFP to the contrary, if in City's best interest, City reserves the right to, in accordance with Oregon law, (a) amend and/or revise this RFP in whole or in part, (b) cancel this RFP, (c) extend the submittal deadline for responses to this RFP, (d) waive minor informalities and errors in such Proposals, and/or (e) reject any or all Proposals for any reason and/or without indicating reasons for rejection. Further, City reserves the right to (y) seek clarification(s) from each Proposer and/or require supplemental information for any Proposer, and/or (z) negotiate with alternate Proposers, if initial contract negotiations are unsuccessful.

I. Anticipated Schedule.

RFP Issued	June 6, 2018
Requests/RFP Protest Deadline	June 29, 2018
Proposal Due Date and Opening	July 6, 2018
Evaluation and Scoring	July 6, 2018
Negotiations [if applicable] (approx.)	July 9 – July 12, 2018
Notice of Intent to Award (approx.)	July 13, 2018
Award Protest Deadline (approx.)	July 20, 2018 [Seven days after NOI]
Council Approval – Notice of Award (approx.)	July 24, 2018

PROPOSAL

To: City Manager
Project Name: Greenhouse Structure and Related Equipment
450 East Main Street,
John Day, Oregon 97845

The undersigned, hereinafter "Proposer," declares that the only persons or parties interested in this Proposal are those named herein; that this Proposal is, in all respects, fair and without fraud; that it is made without collusion with any official of City of John Day, Oregon ("City"); and that this Proposal is made without any connection or collusion with any person making another Proposal on this Contract.

Proposer further declares that Proposer has carefully examined the Contract documents; is satisfied as to the requested goods involved; and that this Proposal is made according to the provisions and under the terms of the Contract documents, which documents are hereby made a part of this Proposal. Proposer acknowledges that Proposer has read and understands the terms and conditions of the Proposal Documents, and accepts and agrees to be bound by the terms and conditions of the Proposal Documents.

Proposer agrees that all of the applicable provisions of Oregon law relating to public contracts (ORS Chapter 279A, 279B & 279C) and City's public contracting rules are, by this reference, incorporated in and made a part of this Proposal.

The Proposer certifies that Proposer has not discriminated and will not discriminate against minority, women, or emerging small business enterprises in obtaining required subcontractors.

[Circle one.] Proposer (is) (is not) a resident of the State of Oregon. If Proposer is a resident of another state, specify state of residency: _____.

Proposer offers and agrees to furnish all items awarded at the prices quoted, F.O.B. specified delivery point, and agrees to make all deliveries as specified. All shipping, packaging, labeling, delivery, and/or related charges and expenses will be prepaid. Proposer confirms that all prices are quoted F.O.B. Destination.

Proposer agrees that if this Proposal is accepted, Proposer will, within ten (10) days after notification of acceptance, execute a contract with City substantially in the form of Contract attached to the Request for Proposals; and will, at the time of execution of the Contract, deliver to warranty information and Certificate(s) of Insurance naming City as an additional insured as required herein; and will, to the extent of this Proposal, furnish all materials, equipment, and related items necessary, in the time, and according to the specifications and requirements in the Contract documents.

Addenda Acknowledgement: The undersigned acknowledges receipt of the following addenda: (List by number and date appearing on addenda.)

Addendum No.	Date	Addendum No.	Date
_____	_____	_____	_____

Addendum No.	Date	Addendum No.	Date
_____	_____	_____	_____

Proposers to attach manufacturer specifications, warranty information, and proposed schedule for delivery in accordance with the RFP and to be approved by City.

NOTE:

This Proposal will be irrevocable and open for acceptance for a period of sixty (60) days from the Closing. If notified in writing by City of the acceptance of this Proposal within sixty (60) days of the Proposal closing date, subject to such other period as may be specified in the Proposal Document, the Proposer will execute the Contract between City and Proposer.

The name of the Proposer who is submitting this Proposal is:

Firm Name: _____
Printed Name of Individual: _____
Telephone Number: _____
Facsimile Number: _____
Email Address: _____
Address: _____

All communications concerning this Proposal and with the Contract will be sent to Proposer at the above address, fax number or e-mail address. The names of the principal officers of the corporation submitting this Proposal, or of the partners or members of the partnership or limited liability company submitting this Proposal, or of all persons interested in this Proposal as principals, are as follows:

_____	_____
_____	_____
_____	_____

(IF SOLE PROPRIETOR, PARTNERSHIP OR LIMITED LIABILITY COMPANY)

IN WITNESS HERETO, the undersigned has set his/her (its) hand this _____ day of _____, 2018.

Signature of Proposer

Title

(IF CORPORATION)

IN WITNESS WHEREOF, the undersigned corporation has caused this instrument to be executed and its seal affixed by its duly authorized officers this _____ day of _____, 2018.

Name of Corporation: _____

By: _____

Title: _____

CONTRACT

[attached]

CONTRACT 4-1

REQUEST FOR PROPOSALS GREENHOUSE STRUCTURE AND RELATED EQUIPMENT

{15264175-00948469;2}